

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 984

Introduced by Redfield, 12

Read first time January 5, 2000

Committee: Judiciary

A BILL

- 1 FOR AN ACT relating to criminal procedure; to amend section 29-509,
- 2 Reissue Revised Statutes of Nebraska; to change
- 3 preliminary examination provisions; to harmonize
- 4 provisions; to repeal the original section; and to
- 5 outright repeal sections 29-501 to 29-503, Reissue
- 6 Revised Statutes of Nebraska.
- 7 Be it enacted by the people of the State of Nebraska,

1 Section 1. The magistrate may, for good cause shown,
2 continue the preliminary examination of a person arrested by
3 warrant under sections 29-401 to 29-414. The continuance shall
4 only be until the cause of delay is removed and for no longer. The
5 magistrate shall require that the person accused:

6 (1) Be confined or detained for no more than forty-eight
7 hours in jail or in some secure and convenient place other than the
8 jail as designated in the magistrate's order; or

9 (2) If the offense charged is a bailable offense, be
10 released on bail as provided in sections 29-901 to 29-908 until the
11 accused person's appearance is required at the rescheduled
12 preliminary hearing. The hearing shall not be continued for more
13 than twenty days without the consent of the accused person. If
14 such person fails to appear, the magistrate shall declare the
15 recognizance forfeited and shall transmit a transcript of the
16 accused person's proceeding in the case and the recognizance to the
17 clerk of the proper court and such court shall proceed against the
18 accused person as if the recognizance had been taken in that court.

19 Sec. 2. Section 29-509, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 29-509. It shall be the duty of every magistrate in
22 criminal proceedings to keep a docket thereof as in civil cases.
23 All recognizances taken under section ~~29-502~~, 29-506 or 29-507 and
24 section 1 of this act, together with a transcript of the
25 proceedings, where the defendant is held to answer, shall be
26 certified and returned forthwith to the clerk of the court at which
27 the prisoner is to appear. The transcript shall contain an
28 accurate bill of all the costs that have accrued, and the items

1 composing the same.

2 Sec. 3. Original section 29-509, Reissue Revised
3 Statutes of Nebraska, is repealed.

4 Sec. 4. The following sections are outright repealed:
5 Sections 29-501 to 29-503, Reissue Revised Statutes of Nebraska.